



June 30, 2009

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Chief Richard Pennington
Atlanta Police Department
226 Peachtree Street
Atlanta, GA 30303

Re: ACRB Case Number 08-05

Dear Chief Pennington:

The Ordinance that established the Atlanta Citizen Review Board ("the Board") requires the Board provide the Mayor, the President of Council, Council members and the Chief of Police a summary of the Board's findings. The Board has completed its investigation into a complaint filed with the Board by Ms. Jennifer Thomas.

Ms. Thomas complained that Officer Zackery harassed and verbally assaulted her during a traffic stop at the Hartsfield-Jackson Atlanta International Airport on February 2, 2008. Additionally, she alleged that she was detained for one hour and one half during which time the officer kept her waiting as he doodled on a piece of paper. Based on the testimonial and documentary evidence obtained during the course of the investigation, the Board determined that there is insufficient evidence to establish that Officer Zackery committed the aforementioned acts of misconduct as alleged. The Board's findings are detailed below:

- 1) The complainant alleged that Officer Zackery subjected her to harassment when he detained her for one hour and a half and used loud and rude language. The ACRB defines harassment as, "the act of tormenting by continued persistent verbal or physical attacks."

The evidence does not support the allegation that she was detained for one hour and one half. However, the records support that she was detained for 47 minutes. Some of this time was consumed by her request to speak with a supervisor. The sergeant arrived fourteen (14) minutes after the initial request was made by Officer Zachery. The sergeant remained for six (6) minutes. She was instructed to wait for the citation at the booth. This detention lasted about twenty five minutes. This amount of time is not clearly unreasonable, given the circumstances.

Ms. Thomas also alleged that Officer Zackery made statements such as, "you better get out of my face" and "(y)ou think that because you work for CNN you get special privileges." and demanded her license in a rude fashion. She also stated that Officer Zackery was doodling, rather than completing the

citation in an effort to annoy and detain her unnecessarily and was standing very close to her and was in her personal space as he yelled at her. Officer Zackery denies this. While the allegations would support an allegation of discourtesy, even if proven, would not rise to the level of torment that is required by the ordinance in order to support the violation defined as harassment.

The allegation of harassment was assigned the adjudication of Unfounded by the Board.

- 2) Secondly, Ms. Thomas alleged that she was falsely imprisoned by Officer Zackery when he detained her for one hour and one half during a traffic stop. The ACRB defines false imprisonment as, "intentionally restraining another person without having a legal right to do so; physically detaining someone without the legal right to do so."

As noted in the previous paragraph, the evidence does not support the allegation that she was detained for one hour and one half.

Thus, the allegation of False Imprisonment was assigned the adjudication of Not Sustained by the Board.

- 3) Lastly, Ms. Thomas alleged that Officer Zackery was verbally abusive towards her during that traffic stop. The ACRB defines abusive language as, "harsh, violent, profane, or derogatory language which would demean the dignity of an individual and shall also include profanity and racial, ethnic, or sexist slurs."

Officer Zackery denies making any inappropriate comments and maintains that he was professional at all times during his interaction with you. However, even assuming Officer Zackery made the comments as alleged; they do not rise to the level as defined by the ordinance.

The allegation of abusive language was assigned the adjudication of Unfounded by the Board.

This investigation is now closed. If you have any questions, please do not hesitate to contact me.

Sincerely,



Cristina Beamud
Executive Director